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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JIMMY COLSON, an individual;

Plaintiff,

v.

BULOW HOLDINGS, LLC, a Delaware
limited liability company; and, OSSUR
AMERICAS, INC., a California corporation;

Defendants.

CASE NO.: 2:22-cv-1950-APG-BNW

**JOINT STATUS REPORT AND
STIPULATION AND [PROPOSED]
ORDER TO CONTINUE STAY OF ALL
PROCEEDINGS**

(FOURTH REQUEST)¹

Pursuant to the Court's prior Order to Continue Stay All Proceedings [ECF No. 18] dated July 5, 2023, which directed the parties to submit a joint status report by September 29, 2023, Plaintiff Jimmy Colson ("Plaintiff") and Defendants Bulow Holdings, LLC and Ossur Americas, Inc. ("Defendants") (collectively the "Parties"), by and through their undersigned counsel, hereby state the following:

PROCEDURAL BACKGROUND

1. On October 20, 2022, Plaintiff commenced this action in the Eighth Judicial District Court for Clark County, Nevada against Defendants.

¹ The Parties previously submitted a Third Joint Status Report and Stipulation and Proposed Order to Continue Stay of All Proceedings [ECF Nos. 16 and 17], which was adopted by the Court in its Order to Continue Stay of All Proceedings [ECF No. 18] on July 5, 2023. This is the fourth request to continue the stay of these proceedings pending the outcome of the Parties' continuing mediation.

2. On November 18, 2022, Defendants removed the action to this Court.

3. On November 28, 2022, the Parties filed a Stipulation and [Proposed] Order Extending Time for Defendants to File and Serve Their Answer or Other Response to the Complaint [ECF No. 5], which was adopted and granted by the Court in its subsequent Order [ECF No. 6] of November 29, 2022.

4. On December 8, 2022, the Parties submitted a Stipulation and [Proposed] Order to Stay All Proceedings [ECF No. 8] pending the scheduling and outcome of a planned mediation between the Parties.

5. On December 9, 2022, the Court adopted the stipulation and issued its Order to Stay All Proceedings [ECF No. 9]. In its Order, the Court further directed that the Parties submit a joint status report within 60 days of the entry of the Order.

6. On February 7, 2023, the Parties submitted a Joint Status Report and Stipulation and Proposed Order to Continue Stay of All Proceedings [ECF Nos. 10 and 11] based on the parties' mediation, which was scheduled for March 2, 2023. The Court adopted the stipulation and order in its Order to Continue Stay of All Proceedings [ECF No. 12] on February 8, 2023, which further directed that the parties submit a joint status report by March 31, 2023.

7. On June 30, 2023, the Parties submitted a Joint Status Report and Stipulation and Order to Continue Stay of all Proceedings [ECF Nos. 16 and 17] based on the parties' mediation. The Court adopted the stipulation and order in its Order to Continue Stay of All Proceedings [ECF No. 18] on July 5, 2023, which further directed that the parties submit a joint status report by September 29, 2023.

STATUS OF PENDING MEDIATION

Since the staying of these proceedings, the Parties attended a mediation on March 2, 2023 at JAMS in Las Vegas before the Honorable Phillip M. Pro (Ret.). During the mediation conference, it was determined by the Parties and Judge Pro that the negotiations would benefit from the informal exchange between the Parties of additional underlying documents. In light of this determination, the parties and Judge Pro agreed to adjourn the mediation pending an exchange of additional documents pursuant to an agreed-upon framework.

1 Accordingly, since the parties' last joint status report filed on June 30, 2023 [ECF Nos. 16
2 and 17], the parties have proceeded to exchange underlying records as contemplated in their
3 agreed-upon framework. The underlying business records have now been exchanged and the
4 parties are currently reviewing the records as part of their assessment of how to best proceed with
5 further alternative dispute resolution (ADR), either by reconvening the mediation before Judge Pro
6 or by arbitration. While the parties have made progress in their exchange and review of the
7 underlying business records, additional time is still needed in order to complete their further ADR
8 efforts.

9 In light of the above, the Parties respectfully wish to continue the stay of these proceedings
10 pending the completion of the above-described ADR effort. While the Parties have not yet
11 resolved their dispute with one another, the Parties are cooperating with one another and wish to
12 continue to focus their resources towards the potential resolution of their dispute and the
13 completion of their ADR effort.

14 **STIPULATION**

15 IT IS HEREBY STIPULATED AND AGREED, by the parties, through undersigned
16 counsel, pursuant to LR IA 6-1, 6-2, and LR 7-1, and subject to the approval of the Court, that:

17 1. All proceedings in this action remain stayed, including responses to the complaint,
18 discovery, motion practice, and case management conferences, pending further order of the Court;
19 and

20 2. The Parties shall file a joint status report by **Tuesday November 28, 2023.**

21 Dated this 29th day of September 2023

22 **IT IS SO AGREED AND STIPULATED**

1 SPENCER FANE LLP

HOLLY DRIGGS

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*Attorneys for Defendants Bulow Holdings,
LLC and Ossur Americas, Inc.*

10 **IT IS SO ORDERED:**

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13 UNITED STATES DISTRICT JUDGE

14 DATED: October 2, 2023
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